

APPEAL NO. 041673  
FILED SEPTEMBER 2, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on June 16, 2004. The hearing officer determined that she did not have jurisdiction to hear the attorney fee dispute. The appellant (carrier herein) files a request for review in which it argues that the hearing officer erred in finding that she lacked jurisdiction. The carrier argues that in the alternative the Appeals Panel should render a decision that the claimant timely invoked the jurisdiction of the Appeals Panel and set aside the attorney's fee order under review in this case. Finally, the carrier complains that a new hearing should be held because it objected to the hearing being held telephonically. There is no response from the respondent (claimant herein) in the appeal file.

DECISION

We lack jurisdiction over the matter in dispute as the Commission's Order for Attorney's Fees has already become final.

On March 26, 2004, a hearing was held as to whether the claimant was entitled to supplemental income benefits for the third quarter. This hearing was held before the same hearing officer who conducted the CCH in the present case. On April 12, 2004, the hearing officer issued a Commission Order for Attorney's Fees, granting the attorney's fees in the amount of \$2550.00. The carrier disputed that these fees were reasonable and necessary and requested a CCH. On May 6, 2004, the carrier also filed a request for review requesting the Commission's Order for Attorney's Fees be set aside. Commission records indicate that this request for review was docketed as Texas Workers' Compensation Commission Appeal No. 040916 and that the Appeals Panel never ruled upon the request instead sending out a letter stating that the Order had become final pursuant to Section 410.204.

Since the Commission's Order for Attorney's Fees has become final, the Commission has no jurisdiction to take further action on the Order.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**LEO F. MALO  
12222 MERIT DRIVE, SUITE 700  
DALLAS, TEXAS 75251-2237.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Veronica L. Ruberto  
Appeals Judge